

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	08-00168-01-CR-W-DW
WYATT ELLISON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 15, 2009. Defendant Wyatt Ellison appeared in person and with appointed counsel Ronald Partee. The United States of America appeared by Assistant United States Attorney Christina Tabor.

On June 25, 2008, an indictment was returned charging Wyatt Ellison with three counts of armed bank robbery, in violation of 18 U.S.C. § 2113(a) and (3), and three counts of using a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c). On August 19, 2008, a superseding indictment was returned charging the same offenses as the original indictment but adding a charge against defendant of threatening a witness, in violation of 18 U.S.C. § 1512(b)(1). Co-defendant Luis Rodriguez entered a guilty plea on October 21, 2008. Co-defendant Charles Williams entered a guilty plea on October 29, 2008. The indictment was dismissed as to co-defendant Juanita Ellison on December 15, 2008.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Tabor announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Leena Ramano. AUSA Dan Nelson and paralegal Janice Sheridan will also be seated at counsel table.

Mr. Partee announced that he will be the trial counsel for defendant Wyatt Ellison.

III. OUTSTANDING MOTIONS

There is currently one motion in limine pending, filed by defendant on February 17, 2009 (document number 96).

IV. TRIAL WITNESSES

Ms. Tabor announced that the government intends to call 105 witnesses without stipulations or 30 to 40 witnesses with stipulations during the trial.

Mr. Partee announced that defendant Wyatt Ellison intends to call 13 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Tabor announced that the government will offer approximately 322 exhibits in evidence during the trial.

Mr. Partee announced that defendant Wyatt Ellison will offer approximately 25 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Partee announced that defendant Wyatt Ellison will rely on the defenses of general denial and alibi on two of three alleged robberies.

VII. POSSIBLE DISPOSITION

Mr. Partee stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, business records, and factual stipulations.

IX. TRIAL TIME

Counsel were in agreement that this case will take 5 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 6, 2008, and September 11, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 15, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 22, 2009;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, April 24, 2009. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

noon, Wednesday, April 22, 2009. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the issue of gang affiliation will probably be filed. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 27, 2009.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
April 15, 2009

cc: Mr. Kevin Lyon